

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TEDDY ARCHER, TREY BERNADOU,	)	
SEDETIC CHAMBLISS, BRODRICK	)	
FRANCIS, JAMES HUTCHINSON, DANIEL	)	
MANOFSKY, DEVON SPRINGER, ERIC	)	
STEWART, ANDREW WALLS, CALVIN	)	
WESLEY, AND CHRIS WOODRUFF, ET AL.,	)	
	)	
Plaintiffs,	)	Civil Action No.: 1:18-cv-00470-SB
	)	
v.	)	
	)	
DEFENDERS, INC.,	)	
	)	
Defendant.	)	
	)	

**DEFENDANT DEFENDERS, INC.’S MOTION TO DISMISS  
OPT-IN PLAINTIFFS IZAAK PATTEN AND HERBERT SMITH  
FOR FAILURE TO RESPOND TO DISCOVERY REQUESTS AND/OR  
NONRESPONSIVENESS**

Defendant Defenders, Inc. (“Defendant” or “Defenders”), pursuant to Rules 37 and 41 of the Federal Rules of Civil Procedure and this Court’s March 12, 2019 Supplemental Scheduling Order (D.I. 83), respectfully moves this Court for entry of an Order dismissing opt-in Plaintiffs Izaak Patten and Herbert Smith (collectively “Plaintiffs”) for failure to respond to Defenders’ written discovery requests and/or nonresponsiveness. In support of this Motion, Defenders relies upon and incorporates its accompanying Brief in Support of Defenders’ Motion to Dismiss Opt-In Plaintiffs Izaak Patten and Herbert Smith for Failure to Respond to Discovery Requests and/or Nonresponsiveness and its Appendix of Exhibits.

WHEREFORE, Defenders respectfully requests that this Court grant this Motion and enter an Order in the attached form.

Dated: November 5, 2021

**BURR & FORMAN**

/s/ J. Cory Falgowski

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-and-

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*Counsel for Defendant*

**LOCAL RULE 7.1.1 CERTIFICATION**

On May 5, 2021, and October 15, 2021, counsel for Defendant corresponded with counsel for Plaintiffs regarding the relief requested in the Motion. Counsel for the Plaintiff indicated they take “no position” regarding the relief requested in the Motion.

/s/ J. Cory Falgowski  
J. Cory Falgowski (No. 4546)

**CERTIFICATE OF SERVICE**

I, J. Cory Falgowski, hereby certify that on this 5th day of November, 2021, the foregoing document was served by Notice of Electronic Filing, or, if the party served does not participate in Notice of Electronic Filing, by electronic mail as follows:

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*/s/ J. Cory Falgowski*  
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